

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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AUTO-OWNERS INSURANCE)
COMPANY, a mutual insurance)
company incorporated in the)
State of Michigan,)
Plaintiff,)
v.) CIVIL ACTION NO.: 1:05-cv-1024-MHT
SUNSHINE CAMPING CENTER,)
INC., a corporation; UNION)
PLANTERS BANK, N.A., and/or)
UNION PLANTERS BANK, N.A. n/k/a)
REGIONS BANK, N.A.,)
Defendants.)

)

JULY 12 2006
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

**MOTION OF PLAINTIFF, AUTO-OWNERS INSURANCE COMPANY, FOR LEAVE, IF
NECESSARY, TO SUPPLEMENT EVIDENTIARY SUBMISSION IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Plaintiff Auto-Owners Insurance Company (Auto-Owners), and moves this Honorable Court to grant Auto-Owners leave, if necessary, to supplement Auto-Owners' evidentiary submission in support of Auto-Owners' motion for summary judgment, and for ground shows unto the Court follows, to wit:

1. That this declaratory judgment action relates, in part, to the claims and judgment in the underlying action CV-04-251 filed in the Circuit Court for Dale County, Alabama. The trial of the underlying action CV-04-251 was completed on or about May 4, 2006.
2. That counsel for Auto-Owners previously made arrangements to obtain a copy of the transcript of all trial court proceedings in CV-04-251; however, as of this date,

the transcript of the proceedings is incomplete and only the portion from the charge conference through the end of trial and the return of verdict have been completed. Auto-Owners has submitted the completed portion of the trial court transcript in the underlying action CV-04-251 as Exhibit "7" to Auto-Owners' evidentiary submission herein. Counsel for Auto-Owners has been advised that the remainder of the transcript will not be complete until on or about the end of July, 2006.

3. That this Court previously set the deadline for the filing of dispositive motions for June 22, 2006.

4. If the Court believes the remainder of the transcript of the proceedings in the underlying action CV-04-251-M are necessary for the Court's disposition of this action, Auto-Owners requests leave to supplement its evidentiary submission with the complete transcript of the proceedings in the underlying action.

5. Counsel for Auto-Owners has spoken to counsel for Union Planters/Regions and understands he has no objection to this motion. Counsel has been unable to reach counsel for Sunshine Camping Center but anticipates that he will have no objection to this motion.

WHEREFORE, Plaintiff, Auto-Owners Insurance Company, moves this Honorable Court to grant Auto-Owners leave, if necessary, to supplement Auto-Owners' evidentiary submission in support of Auto-Owners' motion for summary judgment.

Dated this the 20th day of June, 2006.


ROGER S. MORROW, MOR032


JOEL H. PEARSON, PEA019
Attorneys for Plaintiff, Auto-owners
Insurance Company

OF COUNSEL:

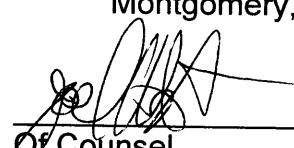
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing a copy of same in the United States mail, first class postage prepaid on this the 20th day of June, 2006.

Hon. Robert H. Brogden
P.O. Drawer 1007
Ozark, Alabama 36361-1007

Honorable John G. Smith
Balch & Bingham
P.O. Box 78
2 Dexter Avenue
Montgomery, Alabama 36101-0078


Of Counsel